
Remarks

Claims 1-9, 11-16, 18 and 19 are presented for consideration.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the preceding amendments and following remarks is respectfully requested.

Revised drawings are attached to this correspondence. The drawings include amendments removing descriptive text and to address the items noted for FIGS. 1E, 1D', 5A-5C. Applicants thank the Examiner for the detailed comments regarding the drawings. Red ink identifies the proposed change. Several of the proposed changes involve removal of text or marks. These items are not identified by red ink.

With respect to the objection to the drawings under 37 CFR 1.83(a), claim 8 is amended to recite elements shown in FIGS. 5 A (i.e., a topsheet side) and FIGS. 1D through 1E (i.e., a backsheet side). Support for this subject matter may be found in the specification at, for example, page 6, line 34 and page 7, line 11; thus, no new subject matter is presented by the amendments to the claim. Applicants respectfully submit that FIGS. 1D through 1E depict elements ascertainable to one of ordinary skill in the art as garment adhesive and fastener components. Exemplary fastener components are also represented in detail in FIGS. 2A through 4. Accordingly, the objection to the drawings under 37 CFR 1.83(a) is obviated and should be withdrawn.

The reference to prior applications is amended as suggested by the Examiner

Amendments to other portions of the specification address the objections raised by the Examiner. With respect to the first fastener component, it is identified with the designations 70 and 70' in FIGS. 5A and 5B to distinguish between the two components. When the wings are folded as shown, the first fastener component 70' is folded first and faces the backsheet side of the article so it is in position to engage the underwear.

Claims 1-19 stand rejected under 35 U.S.C. 112, second paragraph. With regard to claims 1-7, it is allegedly unclear whether "system" defines a method or apparatus. Applicants respectfully traverse this rejection to the extent it might apply to the claims as amended.

It is the Applicants position that the meaning of the term "system" is consistent with and apparent from the descriptive portion of the specification and is sufficient to allow one of ordinary skill in the art to construe the claims in light of the specification. The metes and bounds of claims 1-7 are clearly ascertainable. Claim 1 as presently amended recites a system for attaching a

personal care article to an undergarment. The system includes an absorbent article having recited elements and further includes a series of recited steps. Applicants respectfully submit that this is consistent with the specification.

Claim 1 is amended to recite that the top surface defines a topsheet side, thus providing an antecedent basis for "the topsheet side". Claim 1 is further amended to clarify specific details about the fastener and wing position with respect to each other and the article. Support for the subject matter of this amendment exists at, for example, claim 8 and page 2, lines 12-19.

Claim 2 is amended to clarify that the first fastener component is configured on the first wing and the second wing so that the overlapped and interengaged wings are adapted to secure the article to an undergarment, and an unengaged first fastener component is positioned adjacent the backsheet so it is adapted to engage the fabric of an undergarment positioned between the backsheet and the wings. In the absence of an undergarment between the backsheet and wings, the unengaged first fastener component would be located or positioned adjacent the backsheet. Support for this subject matter is found in FIGS. 1D, 1D', 1E and 5A. and at page 5, lines 16-18 of the specification.

With respect to claim 8, the amended claim recites "first fastener component forming at least a portion of the first wing and at least a portion of the second wing". That claim is also amended to recite "a cooperating fastener component forming at least a portion of the first wing and at least a portion of the second wing". This language clarifies that a first fastener component and a cooperating fastener component is part of each wing. As a specific example directed to hook and loop fastening systems, each wing should have mechanical hook material as well as loop material.

The position of the components is definite in the claims as amended. The relative position of the first fastener component is generally adjacent the free end of each wing and the cooperating fastener component at least generally adjacent the free end of each wing. Support for this subject matter may be found at, for example, FIGS. 1A, 1B, 1D, 1D', 1E, 5A and 5B. Thus, no new matter is presented by this amendment to the claims.

Claims 10 is deleted in view of amendments to claim 8. Claim 17 is deleted in view of amendments to claim 15. Claims 15, 16 and 18 are amended to clarify the method of the invention.

Claims 8-14 stand rejected under 35 U.S.C. 102(e) as anticipated by US 2003/0004484A1 to Hammons et al. Applicants respectfully traverse this rejection to the extent it might apply to the claims as amended.

Hammons et al. fails to disclose the invention as claimed and cannot support a *prima facie* case of anticipation. While it might be argued that Hammons et al. discloses use of a mechanical

fastening system on the wings of a sanitary napkin, it also teaches using an adhesive fastening system on the wings and fails to distinguish between adhesives and mechanical interengaging fastening systems. Importantly, Hammons et al. teaches that the release strips covering the adhesive on the fastener elements are only removed after the sanitary napkin is properly positioned. See Hammons et al. at paragraph 115. It would not be possible for the wings to be temporarily engaged during positioning of the sanitary napkin while the release strips cover the adhesive. Moreover, it would be undesirable for the exposed adhesive on the wings to become engaged because it would be very difficult to separate.

It is the Applicants' position that Hammons et al. does not necessarily possess the characteristics of the claimed invention at least because Hammons et al. discloses embodiments of sanitary napkins having fastening systems that cannot possess the characteristics of the claimed invention.

Applicants' representative has reviewed Hammons et al. disclosure of a mechanical fastening system and has been unable to locate any teaching or suggestion that such a mechanical fastening is in any way configured to be temporarily interengaged on the topsheet side of the sanitary napkin. In view of the fact that Hammons et al. discloses embodiments of sanitary napkins having fastening systems that cannot possess the characteristics of the claimed invention and that lack of any teaching or suggestion that a mechanical fastening system is in any way configured to be temporarily interengaged on the topsheet side of the sanitary napkin, it is the Applicants' position that the products disclosed by Hammons et al. cannot possess the characteristics of the claimed invention.

It is also the Applicants' position that the claimed invention is patentably distinct and non-obvious over the teachings of Hammons et al. for at least the same reasons.

Claims 8-11 and 14 stand rejected under 35 U.S.C. 102(b) as anticipated by US 5,704,929 to Bien et al. and US 4,608,047 to Mattingly. Applicants respectfully traverse this rejection to the extent it might apply to the claims as amended.

Bien et al. fails to disclose the invention as claimed and cannot support a *prima facie* case of anticipation. While it might be argued that Bien et al. discloses use of a mechanical fastening system on the wings of a sanitary napkin by its reference to Mattingly, both Bien et al. and Mattingly also teach using an adhesive fastening system on the wings and fail to distinguish between adhesives and mechanical interengaging fastening systems.

Moreover, as discussed above with respect to Hammons et al., one would employ release strips covering the adhesive on the fastener elements until the sanitary napkin is properly

positioned. It would not be possible for the wings to be temporarily engaged during positioning of the sanitary napkin while the release strips cover the adhesive.

It is the Applicants' position that Bien et al. (and Mattingly) does not necessarily possess the characteristics of the claimed invention at least because Bien et al. (and Mattingly) discloses embodiments of sanitary napkins having fastening systems that cannot possess the characteristics of the claimed invention.

While it might be argued that Mattingly (and Bien et al.) discloses coating its wings with a cohesive material or using a mechanical fastening system (See Mattingly at col. 6, line 61 to col. 7, line 5), Applicants' representative has reviewed the Mattingly disclosure and has been unable to locate any teaching or suggestion that such a mechanical fastening system (or cohesive coating) is in any way configured to be temporarily interengaged on the topsheet side of the sanitary napkin.

In view of the fact that Bien et al. discloses embodiments of sanitary napkins having fastening systems that cannot possess the characteristics of the claimed invention and that lack of any teaching or suggestion that a mechanical fastening is in any way configured to be temporarily interengaged on the topsheet side of the sanitary napkin, it is the Applicants' position that the products disclosed by Bien et al. cannot possess the characteristics of the claimed invention.

It is also the Applicants' position that the claimed invention is patentably distinct and non-obvious over the teachings of Bien et al. and Mattingly and any combination thereof for at least the same reasons.

Claims 12 and 13 stand rejected under 35 U.S.C. 103 as anticipated by US 5,704,929 to Bien et al. in view of US 5,763,041 to Leak et al. Applicants respectfully traverse this rejection to the extent it might apply to the claims as amended.

With respect to the combination of Bien et al. and Leak et al., the Applicants contend that such a combination is improper at least because Bien et al. teaches away from Leak et al. In particular, Bien et al. (by reference to Mattingly) teaches that a conventional hook and loop fastening system can be used on the flaps of a sanitary napkin instead of an adhesive. Such conventional hook and loop systems employ a discrete patch of loop material. See Mattingly at col. 7, line2-5 and FIG. 11.

In contrast, Leak et al. is directed to laminates suited for use as the loop components of hook and loop fasteners. According to Leak et al., a conventional separate, discrete patch of loop material is undesirable. See Leak et al. at col. 9, lines 15-22. While it might be argued that Leak et al. teaches that its laminate can be used as a loop component anywhere hook and loop fasteners are employed, Leak et al. specifically teaches replacing a conventional, discrete patch of

loop material such as taught by Mattingly with a laminate that forms the outer cover of a diaper to provide engagement at any location on the outer surface of the diaper.

At least for these reasons, it is the Applicants' position that there is nothing to suggest and, in fact, much to dissuade one of ordinary skill in the art from attempting to substitute a laminate suitable for a diaper outer that provides engagement at any location on the outer surface of the diaper for a discrete patch of loop material in a hook and loop fastening system located on wings or flaps extending from the sides of a sanitary napkin.

Assuming such a substitution were proper, the result would either be a sanitary napkin having a backsheet composed of the laminate of Leak et al. or a sanitary napkin as shown in Mattingly having discrete patches of loop material composed of the laminate of Leak et al. located on the flaps or wings.

The former configuration is not relevant to the Applicants' claimed invention. The latter configuration is undesirable according to Leak et al. and in no way makes obvious the Applicants' claimed invention.

All outstanding issues raised by the Examiner having been addressed, it is respectfully submitted that the present application is in condition for allowance. Action to such effect is therefore respectfully requested.

The Examiner is invited to telephone the undersigned should any minor issues remain after consideration of the present amendment. The undersigned may be reached at (920) 721-7277.

Please charge any prosecutorial fees that are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875.

Respectfully submitted,

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CERTIFICATE OF MAILING

I, Judith M. Anderson, hereby certify that on January 9, 2004 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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